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NOTES OF CASES.

Abusive Language Over a Telephone as Assault.—Does the use of violent language over a telephone constitute an assault? See *Kramer v. Ricksmeier*, 139 Northwestern Reporter, 1091. In that case plaintiff charged that she had suffered an attack of rheumatism, which left her in an enfeebled and nervous state, and that she was making ostensible progress in the way of recovery from that affliction, when on a certain date the defendant, in the absence of plaintiff's husband, without cause or provocation on the part of plaintiff, willfully, maliciously, wantonly, and negligently called plaintiff to the telephone in her home, and in a vociferous and angry manner, knowing that her husband was absent, began to make statements about the cattle belonging to her husband, that they had broken out of their pen and were at large, and in violent and profane language ordered her to take charge of the cattle at once, with an intimation that he would be at plaintiff's home to avenge himself for an assumed wrong she had permitted in failing to keep her husband's cattle within their inclosure. That by reason of such language plaintiff became and was greatly humiliated and shocked, and caused to become greatly excited and nervous, resulting in sickness and debility, and causing her great pain and anxiety and to relapse into a feeble and debilitated condition, from which she has been unable to recover and is permanently disabled, and suffers great bodily pain and mental anguish. The Supreme Court of Iowa holds that a demurrer was properly sustained for the reason that claims of the nature set forth in the plaintiff's petition are too speculative, remote, and improbable to furnish a basis for an action for damages; nor can the action be sustained on the theory that an assault is charged, since it is well settled that mere words, even a short range, do not constitute an assault.

Legality of Service by Trickery.—Process servers must not resort to trickery and device in order to obtain service upon a defendant, according to *Bell v. Lawrence*, 140 New York Supplement, 1106. On a motion to set aside the service of the summons, defendant's affidavit showed that on the date of the service she was in the bedroom of her residence when a young man appeared at the house and stated that he bore an important letter from a certain party. Pursuant to a previous agreement with such party defendant was expecting to receive such a letter, so the messenger was admitted and allowed to go upstairs to the door of defendant's bedroom, where he was met by her husband. Thereupon the process server again stated that he bore an important letter from a party and exhibited what purported to be such letter, and that he had received instructions to